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1714/
672

PATENT

In re Application of

KEVIN D. CARABELL

Serial No. 10/036,764

Filed: December 21, 2001

For: FUEL COMPOSITIONS
CONTAINING A MANNICH
CONDENSATION PRODUCT, A
POLY(OXYALKYLENE) MONOOL,
AND A CARBOXYLIC ACID

Group Art Unit: 1714

Examiner: MEDLEY, MARGARET B.

COMMUNICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed August 14, 2003 in the above-identified application is enclosed. In the event that a fee is due, you are hereby requested and authorized to deduct the required fee from our Deposit Account No. 03-1620.

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that I have a reasonable basis for believing that this correspondence (along with any paper referred to as being attached or enclosed) will be deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450

on 11-7-03

Diana K. Ponce
Diana K. Ponce

REMARKS

Claims 1-91 are pending in the present application.

Claims 1-49, 51-58, 61-80, 82-89 and 91 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8, 12-34, 38-59 and 63-77 of U.S. Patent No 6,511,518 B1. The Examiner states:

"Although the conflicting claims are not identical, they are not patentably distinct from each other because the fuel additive, fuel composition, fuel concentrate, and method comprising the a) a Mannich condensation product, b) a hydrocarbyl-terminated poly(oxyalkylene) monool, and c) a carboxylic acid additive blend and further comprising d) a polyolefin polymer render obvious the same and/or similar a), b), c) and d) additive blend of fuel additives, fuel composition, concentrate and method of the U.S. Patent '518 because the instant application have the open-ended language "comprising" that would not exclude the require polyolefin additive of patentee from the independent claims and several of the dependent claims. Further instant claims 24-29, 53-58 and 84-89 include the polyolefin additive of patentee further rendering the instant claims obvious."

In order to obviate the provisional obviousness-type double patenting rejection of Claims 1-49, 51-58, 61-80, 82-89 and 91 as being unpatentable over Claims 1-8, 12-34, 38-59 and 63-77 of U.S. Patent No 6,511,518 B1, enclosed herewith is a proper Terminal Disclaimer in compliance with 37 CFR 1.321(c) over commonly owned U.S. Patent No 6,511,518 B1. Accordingly, withdrawal of the provisional obviousness-type double patenting rejection is respectfully requested.

Claims 1-23, 30-52, 59-83 and 90-91 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 12-27, 31-47 and 51-59 of U.S. Patent No. 6,511,519 B1. The Examiner states:

"Although the conflicting claims are not identical, they are not patentably distinct from each other because the fuel additive, fuel composition, fuel concentrate, and methods comprising the a) a Mannich condensation product, b) a hydrocarbyl-terminated poly(oxyalkylene) monool, and c) a carboxylic acid

additive render obvious the same and/or similar a), b), and c) additive blend of fuel additives, fuel composition, concentrate and methods of the U.S. Patent '519. Even those the ratio of reactants of the additive for the component a) of the instant claims is smaller than the ratio of component a) of patentee and the c) component of acid is a broader range than the c) component of the patentee the instant claims render obvious the claims of patentee."

In order to obviate the provisional obviousness-type double patenting rejection of Claims 1-49, 51-58, 61-80, 82-89 and 91 as being unpatentable over Claims 1-8, 12-34, 38-59 and 63-77 of U.S. Patent No 6,511,519 B1, enclosed herewith is a proper Terminal Disclaimer in compliance with 37 CFR 1.321(c) over commonly owned U.S. Patent No 6,511,519 B1. Accordingly, withdrawal of the provisional obviousness-type double patenting rejection is respectfully requested.

Applicants believe that the foregoing remarks have placed the present application in condition for allowance. Allowance of the application is therefore respectfully solicited in view of the present communication.

Respectfully submitted,



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Enclosure
SGL:dkp
November 7, 2003